



# Illinois Department of Transportation

Office of Chief Counsel  
300 West Adams Street / 2nd Floor / Chicago, Illinois / 60606



February 29, 2008

Anne K. Quinlan  
Acting Secretary  
Surface Transportation Board  
395 E. Street, S W  
Washington, DC 20423-0001

ENTERED  
Office of Proceedings

MAR 03 2008

Part of  
Public Record

RE: STB Finance Docket No 35087, Canadian National Railway  
Company and Grand Trunk Corporation – Control – EJ&E West  
Company

Dear Ms. Quinlan:

Pursuant to Decision No 3 in the above-referenced proceeding, this letter serves to certify that on this date the undersigned sent to all Parties of Record copies of the Illinois Department of Transportation's Request for Production of Documents, by first class mail, postage prepaid.

Enclosed is an original and ten (10) copies of our Request for Production of Documents. Please acknowledge receipt of this letter by date-stamping the acknowledgement copy, and a copy of the Request for Production of Documents, and returning them in the envelope provided

Very truly yours,

Joseph P. Clary  
Director of Division of Public and Intermodal Transportation

JPC:ls

Enclosure

**BEFORE THE  
SURFACE TRANSPORTATION BOARD**

---

**FINANCE DOCKET NO. 35087**

**CANADIAN NATIONAL RAILWAY COMPANY AND**

**GRAND TRUNK CORPORATION**

**CONTROL**

**EJ&E WEST COMPANY**

---

**ILLINOIS DEPARTMENT OF TRANSPORTATION'S  
REQUEST FOR PRODUCTION OF DOCUMENTS**

**Milton R. Sees  
Secretary  
Illinois Department of Transportation  
2300 South Dirksen Parkway  
Springfield, IL 62764  
Tel : (217) 782-5597**

**Joseph P. Clary, Director  
Division of Public & Intermodal  
Transportation  
Illinois Department of Transportation  
300 W Adams, 2<sup>nd</sup> Fl.  
Tel.: (312) 793-2116**

**Ellen Schanzle-Haskins  
Chief Counsel  
Illinois Department of Transportation  
and  
Lawrence D Parrish  
Special Assistant Chief Counsel  
Illinois Department of Transportation  
300 W. Adams, 2<sup>nd</sup> Fl.  
Chicago, IL 60606  
Tel : (217) 793-2255**

**Fritz R. Kahn  
Fritz R. Kahn, P.C.  
1920 N Street, NW, 8<sup>th</sup> Fl.  
Washington, DC 20036  
Tel. (202) 263-4252**

**Dated: February 28, 2008**

**BEFORE THE  
SURFACE TRANSPORTATION BOARD**

---

**FINANCE DOCKET NO. 35087**

**CANADIAN NATIONAL RAILWAY COMPANY AND**

**GRAND TRUNK CORPORATION**

**CONTROL**

**EJ&E WEST COMPANY**

---

**ILLINOIS DEPARTMENT OF TRANSPORTATION'S  
REQUEST FOR PRODUCTION OF DOCUMENTS**

Pursuant to 49 C.F.R. Sec. 1114.30, the Illinois Department of Transportation (IDOT), directs the following requests for production upon Canadian National Railway Company (CN). IDOT requests that responses should be served as soon as possible, and in no event later than 15 days from the date of service hereof. Counsel for respondents should contact counsel for IDOT promptly to discuss any objections or questions regarding these requests, with a view to resolving any disputes or issues of interpretation informally and expeditiously. IDOT will pay all reasonable costs for duplication and delivery of documents to counsel for the responding party.

**DEFINITIONS**

- A. "Acquisition" means and refers to the proposed acquisition of the EJ & E West Company by the CN.
- B. "CN track" means and refers to the approximately 11 mile section of track owned by the CN and extending between 95<sup>th</sup> Street and the St. Charles Airline, in the Chicago area.
- C. "Document" is defined to be synonymous in meaning and equal in scope to the usage of this term in Federal Rule of Civil Procedure 34(a). A draft or non-identical copy is a separate document within the meaning of the term.
- D. "You" and "your" mean and refer to Canadian National Railway Company, as respondent to the request for production of documents.

## **INSTRUCTIONS**

If you withhold documents or information otherwise responsive to this request, please provide a privilege log that identifies for each document or part of a document proposed to be withheld:

- a. The date of the document,
- b. The nature of the document;
- c. The author,
- d. All recipients;
- e. The subject matter, and
- f. The privilege or other basis for withholding production.

## **REQUESTS FOR PRODUCTION OF DOCUMENTS**

The documents that you are requested to produce are described below:

1. All documents reflecting, referring or relating to the costs of operating and/or maintaining the CN track including, without limitation, extraordinary capital costs that may be required to maintain the CN track in the future.
2. Any contracts, understandings, agreements, or memoranda between the CN and Amtrak that in any way relates to the CN track.
3. Any analysis or projections regarding the annual maintenance and operation activities and costs required or recommended for the CN track after the acquisition is fully implemented.
4. Any analysis or projections regarding the cost savings to CN if CN stops using the CN track following the acquisition.
5. All documents reflecting, referring to, or relating to CN's plans for the CN track if the proposed acquisition is approved.

Respectfully submitted  
Illinois Department of Transportation

By.   
Joseph P. Clary, Director  
Division of Public & Intermodal Transportation

**CERTIFICATE OF SERVICE**

The undersigned attorney hereby certifies that he has caused a true and correct copy of the foregoing document(s) to be served upon:

**COUNSEL FOR CANADIAN NATIONAL RAILWAY COMPANY, UNITED STATES  
ATTORNEY GENERAL AND UNITED STATES SECRETARY OF TRANSPORTATION**

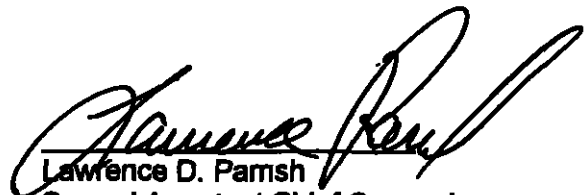
Paul A. Cunningham, Esq.  
David A. Hirsch, Esq.  
James M. Guinivan, Esq.  
Harkins Cunningham, LLP  
1700 K. Street, NW, Suite 400  
Washington, DC 20006-3804  
Tel.: (202)973-7600

Secretary of Transportation  
of the United States  
1200 New Jersey Avenue, S.E.  
Washington, D.C. 20590

Attorney General of the United States  
C/O Assistant Attorney General  
Antitrust Division – Room 3109  
U.S. Department of Justice  
950 Pennsylvania Avenue, N.W.  
Washington, D.C. 20530-0001

**ALL REMAINING PARTIES OF RECORD AS OF THIS DATE**

By mailing a true and correct copy thereof from the Office of Chief Counsel of the Illinois Department of Transportation, 300 W. Adams Street, Chicago, Illinois 60606 to the persons named on the Surface Transportation Board's service list as of this date, February 28, 2008.



Lawrence D. Pamsh  
Special Assistant Chief Counsel  
300 W. Adams, 2<sup>nd</sup> Fl  
Chicago, IL 60606  
Tel: (217)793-5737